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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,826	07/10/2001	Ariel S. Rogson	1157-3	9200
20575	7590	11/02/2005	EXAMINER	
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			KNOWLIN, THJUAN P	
			ART UNIT	PAPER NUMBER
			2642	

DATE MAILED: 11/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,826

Applicant(s)

ROGSON ET AL.

Examiner

Thjuan P. Knowlin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on July 28, 2005 has been entered. Claims 1, 17, 35, and 45 have been amended. Claims 14 and 57-64 have been cancelled. No claims have been added. Claims 1-13 and 15-56 are now pending in this application, with claims 1, 17, 35, and 45 being independent.

Claim Rejections - 35 USC § 102

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-13 and 15-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Rhoads et al (US 6,442,285).
4. In regards to claims 1, 17, 35, and 45, Rhoads discloses a broadcast receiver (e.g. pocket-sized FM radio), method, portable music device, and radio receiver to identify a performance on the broadcast receiver, the broadcast receiver comprising: a passive title receiver designed to passively receive a title of the performance without actively requesting the title of the performance; storage (e.g. non-volatile RAM memory) within the broadcast receiver for the title of the performance; title presentation means for presenting the title to a user; title selection means to toggle between a first part and second part of the title of the performance (See col. 10 lines 3-21); and a

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performance receiver designed to receive the performance (See col. 8-9 lines 65-3 and col. 9 lines 12-25).

5. In regards to claim 2, Rhoads discloses a broadcast receiver, wherein the performance receiver and the passive title receiver are combined in a single receiver (See col. 9 lines 12-25).

6. In regards to claims 3, 36, and 52, Rhoads discloses a broadcast receiver, portable music device, and method, further comprising title request means for the user to request the title be presented (See col. 9 lines 20-25).

7. In regards to claims 4, 29, 37, 46, and 47, Rhoads discloses a broadcast receiver, method, and portable music device, wherein the title presentation means is responsive to the title request means (See col. 9 lines 20-25).

8. In regards to claims 5, 30, 38, 43, and 53, Rhoads discloses a broadcast receiver, method, portable music device, and radio receiver wherein the title request means includes a button (e.g. "capture" button) on the broadcast receiver (See col. 8 lines 16-24).

9. In regards to claims 6, 27, 31, and 32, Rhoads discloses a broadcast receiver and method, wherein the title request means includes a speech recognition device responsive to the user's voice (See col. 8 lines 57-64).

10. In regards to claims 7, 8, 9, 10, 22, 23, 24, 25, 39, 40, 49, 50, and 51, Rhoads discloses a broadcast receiver, method, portable music device, and radio receiver, wherein the title presentation means includes a display (e.g. LCD screen) to present the title visually to the user (See col. 9 lines 4-7).

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11. In regards to claims 11, 26, 28, and 41, Rhoads discloses a broadcast receiver, method, portable music device, and radio receiver, wherein the title presentation means includes a speech generating device to recite the title to the user (See col. 9 lines 20-25).

12. In regards to claims 12, 21, 33, 34, 42, and 48, Rhoads discloses a broadcast receiver, method, and portable music device, further comprising title saving means for the user to request the title be saved beyond a termination of the performance (See col. 8 lines 38-48).

13. In regards to claims 13 and 44, Rhoads discloses a broadcast receiver and portable music device, wherein the title saving means includes a second storage within the broadcast receiver to store the title beyond the termination of the performance (See col. 8-9 lines 65-3).

14. In regards to claim 14, Rhoads discloses a broadcast receiver, further comprising title selection means to toggle between a first part and second part of the title of the performance (See col. 10 lines 3-21).

15. In regards to claims 15, 16, 18, 19, and 20, Rhoads discloses a broadcast receiver and method, wherein the passive title receiver is designed to receive the title of the performance in a sideband of a radio-frequency signal (See col. 5 lines 41-48, col. 7 lines 26-30, and col. 9 lines 26-32).

16. In regards to claims 54, 55, and 56, Rhoads discloses a medium designed to contain a recording of a performance and a title of the performance, the medium drawn

from a set including a compact disc, a videocassette, and an audiocassette tape (See col. 3 lines 38-49 and col. 10 lines 3-13).

Response to Arguments

17. Applicant's arguments filed 07/28/05 have been fully considered but they are not persuasive. Applicant argues that Rhoads describes a system for retrieving information from a database responsive to a query, in that the information being retrieved is not already in the watermark, and is not a part of the watermark, and therefore, Rhoads only teaches presenting the entirety of the information in the watermark, not presenting different sections at the user's request. However, a watermark is not recited in the claims of the present invention, and although Applicant states that the text of Rhoads read differently, Rhoads does read on the recited limitation of title selection means to toggle between a first part and second part of the title of the performance (See col. 10 lines 3-21).

Conclusion

18. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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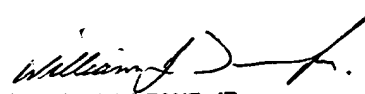
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P. Knowlin whose telephone number is (571) 272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

22. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thjuan P. Knowlin


WILLIAM J. DEANE, JR.
PRIMARY EXAMINER